

REMARKS

Claims 1-33 were examined. No claims have been amended. Reconsideration of the application, as amended, is respectfully requested.

The Specification

The specification was objected to because the cross-reference section in page one was missing a serial number. The specification has been amended to include such information.

Information Disclosure Statement

The Office Action indicated that the Information Disclosure Statement filed October 29, 2002 failed to comply with 37 C.F.R. §1.98(a)(1) and (2) because it did not include copies of the references. Accompanying this Amendment is another copy of the Information Disclosure Statement mailed on October 24, 2002 along with a copy of the postcard indicating that the U.S. Patent Office received the Information Disclosure Statement along with the reference on October 29, 2002. It is therefore respectfully requested that the Examiner locate this reference and make it of record. Furthermore, Applicants also submitted Information Disclosure Statements on April 15, 2002 and April 2, 2003. Copies of these Information Disclosure Statements along with their returned postcards which indicate that the references were received by the U.S. Patent Office are also enclosed. It is therefore respectfully requested that the Examiner locate these references as well and make them of record. If the Examiner wishes to discuss this matter, it is respectfully requested that he contact counsel for the Applicants at the phone number indicated at the end of this Amendment.

Claim Rejections - 35 U.S.C. §102

Claims 1-7, 18, 19, 21 and 22 have been rejected under 35 U.S.C. §102(e) as being anticipated by Walker. This rejection is respectfully traversed.

As filed, independent claim 1 claims a method for storing value that is usable to purchase goods or services. According to the method, money is received at a money transfer location

from a potential purchaser. An electronic record of the received money is stored in a stored value account of the purchaser. A request is received from the purchaser to transfer at least a portion of the received money to a recipient. The requested money is electronically sent to the recipient and the stored value account is debited.

Hence, according to the method of claim 1, money is actually received at a money transfer location and is stored in a stored value account of the purchaser. After the money is received and stored, it may be electronically sent to a recipient.

In contrast to the method of claim 1, the Walker patent fails to describe any of these steps. More specifically, the Walker patent specifically describes the transfer of funds directly between the credit card of a transferor to the credit card of a transferee. Although the Walker patent does describe the use of a central controller 130 to facilitate the transaction, nowhere in the Walker patent is there any mention of a stored value account from which funds from the transferor credit card are stored and then transmitted to the transferee's credit card. As recited in Walker, "Assuming the transaction is valid, credit issuers 140 for transferor 110 and transferee 120 debit the transferor's credit card and credit the transferee's credit card account, respectfully. In particular, the transferor's available credit line decreases by the transfer amount for which transferor 110 is liable to pay as a conventional charge. In addition, the transfer amount appears as a credit in the transferee's credit account such that the transferee's available credit line increases in the same amount as the transfer amount." Column 10, lines 49-57.

Hence, in the system of Walker a debit is applied to the transferor's credit card and a credit is applied to the transferee's credit card. Nowhere is money transferred to a money transfer location and stored in a stored value account until transferred to a recipient. Rather, the central controller 130 of Walker is used simply to store relevant credit card information, including the transferor's name and the transferor's credit card number and expiration date. This information is stored in a customer database 250 where a transferor identification number is issued to transferor 10 who then gives this number to the transferee 120. Transferee 120 may then contact the central controller 130 to provide the transaction number along with an amount to be transferred and the credit card which is to be credited. The central controller coordinates this information and transfers it to the credit card issuers 140 so that the transaction may occur

directly between the credit card issuers. As such, the central controller 130 does not have a stored value account into which money is received from a potential purchaser.

Hence, the Walker patent does not describe any of the steps of claim 1. More specifically, Walker does not describe receiving money at a money transfer location. It does not describe the storing of an electronic record of the received money in a stored value account of the purchaser. It does not describe receiving a request from the purchaser to transfer at least a portion of the received money to a recipient, and it does not describe sending the requested money to the recipient and debiting the stored value account. Rather, the Walker patent describes the debiting of a transferor's credit card and the crediting of a transferee's credit card. As such, it is respectfully requested that the §102 rejection of independent claim 1 be withdrawn. Claims 2-5 depend from claim 1 and are distinguishable for at least the same reasons.

Independent claim 6 claims a method for transferring money from a sender to a recipient. According to the method, money is received from the sender along with information on the recipient that is to receive the money. An electronic record of the money and the intended recipient is created. The recipient is also provided with various payment options for receiving the money. A request is received for payment by the recipient using one of the payment options that is selected by the recipient. The recipient is paid the money according to the requested payment option, and an electronic record of the payment is created.

As previously described, the Walker patent describes a method for transferring funds between one credit card and another credit card. Nowhere in the Walker patent is there any teaching of receiving money from a sender and then creating an electronic record of the money and the intended recipient. As previously described, the Walker patent describes the crediting of one credit card account and the debiting of another credit card account, without receiving money from a sender and storing an electronic record of the received money. Further, in the Walker patent there is no description in providing the recipient with various payment options. Rather, the only payment option is to have the transferee's credit card credited.

Hence, none of the steps of claim 6 of the present application are described in the Walker patent. More specifically, the Walker patent does not describe receiving money from a sender and storing an electronic record of the money. Rather, the Walker system merely facilitates the

debiting of a credit card and the crediting of a credit card. Further, the Walker patent does not describe providing the recipient with various payment options, but rather credits the recipient's credit card. As such, it is respectfully requested that the §102 rejection of claim 6 in view of the Walker patent be withdrawn. Claims 7, 18, 19, 21 and 22 depend from claim 6 and are distinguishable for at least the same reasons.

Independent claim 33 was not formally rejected in the Office Action. Even so, it is believed that claim 33 is distinguishable over the Walker patent. Independent claim 33 claims a method for transferring money from a sender to a recipient by receiving money from a sender along with information on the recipient and that the money is to be stored on a stored value card. An electronic record is created of the money and the intended recipient, and a request is received for payment by the recipient. The recipient is paid the money by initializing a stored value card and storing the value of the money on the stored value card. An electronic record of the payment is also created.

As previously described, the Walker patent fails to describe receiving money and storing an electronic record of the money. Rather, the Walker patent simply credits one credit card account and debits another credit card account. Further, there is no discussion in the Walker patent of initializing a stored value card and then storing the value of the money on the stored value card. Rather, the Walker patent simply credits an existing credit card. There is no discussion of initializing a stored value card and then storing the value of the money that has been received onto the stored value card. As such, claim 33 is distinguishable over the Walker patent as well.

Claim Rejections - 35 U.S.C. §103

Claims 8-17, 20 and 23-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Walker. Claims 8-17, 20 and 23-32 depend from claim 6 which is distinguishable over the Walker patent for at least the reasons previously described. Moreover, Applicants respectfully disagree with the assertion in the Office Action that the limitations in these claims "are notoriously old and well know in the art for conducting financial transactions" and that "such types of limitations are . . . therefore, obvious." As such, it is respectfully

Appl. No. 10/040,568
Amdt. dated June 16, 2003
Reply to Office Action of April 17, 2003

PATENT

requested that the Examiner provide a reference explicitly teaching these limitations or providing an appropriate affidavit so that Applicants may properly respond to the rejection.

Double Patenting

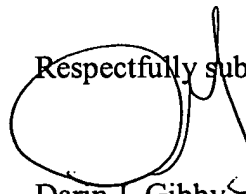
Claims 1-33 are rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-51 of U.S. Patent No. 6,488,203. Accompanying this Amendment is an appropriate terminal disclaimer, thereby rendering this rejection moot.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (303) 571-4321
DJG/cl
DE 7107424 v1